

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/11/2010 has been entered.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement filed on September 13, 2011 have been considered by the examiner (see attached PTO-1449 form).

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1, 2, 4-9, 11-15 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. (U.S. Publication No. 2006/0161956) in view of Boyer et al. (U.S. Publication No. 2003/0066085).

Regarding **claims 1, 8 and 14**, Wasilewski et al. discloses a method for customizing a reminder for a programming event comprising the steps of (see figure 10A):

providing a reminder customizer on at least a first instrument of a plurality of instruments in communication with each other (see figures 8, 10A, paragraphs 0111-0113), indicating at least one programming event (ABC news) for which a reminder is desired (see paragraph 0104).

However, Wasilewski et al. fails to specifically disclose wherein the reminder customizer includes a reminder options feature for enabling the user to simultaneously indicate at least one of a plurality of devices on which the reminder is designated to appear which is not capable of receiving the broadcast programming event, and at least one device which is capable of receiving the broadcast programming event, specifying at least one user-desired instrument from the plurality of instruments on which an auto-tune is desired to be implemented.

In an analogous art, Boyer et al. discloses wherein the reminder customizer includes a reminder options feature for enabling the user to simultaneously indicate at least one of a plurality of devices on which the reminder is designated to appear which is not capable of receiving the broadcast programming event, and at least one device

which is capable of receiving the broadcast programming event (see paragraph 0087; since the user can set up a reminder to display the program the user is interested to their e-mail (maybe on their cell phone or computer and/or paging number) those devices are devices which are not receiving broadcast program and the user can still have a popup reminder on the screen of the television – which receives the broadcast program),

indicating at least one programming event (primal fear) for which a reminder is desired (see paragraph 0105)

specifying at least one user-desired instrument from the plurality of instruments on which an auto-tune is desired to be implemented (see paragraph 0106).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the systems and methods of Wasilewski et al. to include wherein the reminder customizer includes a reminder options feature for enabling the user to simultaneously indicate at least one of a plurality of devices on which the reminder is designated to appear which is not capable of receiving the broadcast programming event, and at least one device which is capable of receiving the broadcast programming event as taught by Boyer et al. for the advantage of receiving alerts on multiple devices.

Regarding **claims 2 and 9**, Wasilewski et al. and Boyer et al.. discloses everything as claimed above (*see claims 1 and 8*). Wasilewski et al. discloses the method further comprising the step of providing a second instrument, said second

instrument being in communication with said first instrument, wherein said at least one indicated device on which the reminder is to appear is operably connected to said second instrument (see cited portion, but not limited to figs 1A-1C, paragraphs 0026-0030).

Regarding **claims 4 and 11**, Wasilewski et al. and Boyer et al. discloses everything as claimed above (*see claims 1 and 8*). Wasilewski et al. discloses the method wherein if the user does not indicate the device on which the reminder is to appear, further comprising the step of activating a default mode (see paragraphs 0104-0108).

Regarding **claims 5 and 12**, Wasilewski et al. and Boyer et al. discloses everything as claimed above (*see claims 1 and 8*). Wasilewski et al. discloses the method wherein the default mode is customizable by the user (see paragraph 0110).

Regarding **claims 6, 13 and 17**, Wasilewski et al. and Boyer et al. discloses everything as claimed above (*see claims 1, 8 and 14*). Wasilewski et al. discloses the method wherein the device comprises at least one of a television, PDA, computer, cellular phone and landline phone (see paragraph 0030).

Regarding **claim 7**, Wasilewski et al. and Boyer et al. discloses everything as claimed above (*see claim 1*). Wasilewski et al. discloses the method wherein the first instrument (200-1), comprises a receiver (see paragraphs 0026-0027).

Regarding **claim 15**, Wasilewski et al. and Boyer et al. discloses everything claimed as applied above (*see claim 14*). Wasilewski et al. discloses the apparatus further comprising a decoder for providing the decoded signal from an input signal (see figs. 2a, 2b).

5. **Claims 3, 10 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. (U.S. Publication No. 2006/0161956) and Boyer et al. (U.S. Publication No. 2003/0066085) as applied to *claims 1, 8 and 14* above, and further in view of Ellis et al. (U.S. Publication No. 2009/0044226).

Regarding **claims 3, 10 and 16**, Wasilewski et al. and Boyer et al. discloses everything claimed as applied above (*see claims 1, 8 and 14*). However, Wasilewski et al. and Boyer et al. are silent as to wherein the at least one indicated programming event for which the reminder is desired, is automatically tuned to on the at least one specified user-defined instrument at a designated time and date.

Ellis et al. discloses wherein the at least one indicated programming event for which the reminder is desired, is automatically tuned to on the at least one specified user-defined instrument at a designated time and date (see paragraph 0112).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the systems and methods of Wasilewski et al. and Boyer et al. to include wherein the at least one indicated programming event for which the reminder is desired, is automatically tuned to on the at least one specified user-defined instrument at a designated time and date as taught by Ellis et al. for the advantage of automatically tuning to the user's set-top-box to the channel of the preselected program when the program is about to begin.

6. **Claims 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. (U.S. Publication No. 2006/0161956) and Boyer et al. (U.S. Publication No. 2003/0066085) as applied to *claims 1, 8 and 14* above, and further in view of Knudson et al. (U.S. Publication No. 2008/0184313).

Regarding **claims 18, 19 and 20**, Wasilewski et al. and Boyer et al. discloses everything as claimed above (*see claims 1, 8 and 14*). However, Wasilewski et al. and Boyer et al. fails to specifically disclose the method further comprising the step of indicating a desired frequency of the reminder.

Knudson et al. discloses the method further comprising the step of indicating a desired frequency of the reminder (see paragraph 0059, lines 1-5, paragraph 0108, lines 15-18).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the systems and methods of Wasilewski et al. and Boyer et al. to include the step of indicating a desired frequency of the reminder

as taught by Knudson et al. for the advantage of allowing a user to indicate how soon the scheduled program or reminder messages are to be generated and displayed to the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NNENNA EKPO whose telephone number is (571)270-1663. The examiner can normally be reached on Monday-Thursday (9 am - 6 pm) and Flex on every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NNENNA EKPO/
Examiner, Art Unit 2425
October 18, 2011.

/Brian T Pendleton/
Supervisory Patent Examiner, Art Unit 2425